



ANNO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1959

No. 33 of 1959

**An Act to amend the Limitation of Actions Act,
1936-1956.**

[Assented to 3rd December, 1959.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Limitation of Actions Act Amendment Act, 1959". Short titles.

(2) The Limitation of Actions Act, 1936-1956, as amended by this Act, may be cited as the "Limitation of Actions Act, 1936-1959".

(3) The Limitation of Actions Act, 1936-1956, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following heading and section are enacted and inserted in the principal Act after section 46 thereof :— Enactment of s. 47.

Extension of Periods of Limitation.

47. (1) Where any Act in force at the time of the passing of the Limitation of Actions Act Amendment Act, 1959, requires that any action must be brought within a period of six months or any shorter period from the time when the Extension of certain periods of limitation.

cause of action arose any such action may, notwithstanding that Act, be brought—

- (a) at any time not later than six months from the time when the cause of action arose ; or
- (b) at any time after the expiration of six months but before the expiration of twelve months from the time when the cause of action arose, if the plaintiff has given the defendant a notice as mentioned in this section within six months after the cause of action arose ; or
- (c) at any time after the expiration of six months but before the expiration of twelve months from the time when the cause of action arose, if the court which hears the action is satisfied that failure to give the notice was due to absence from the State, illness, or other reasonable cause or that the defendant has not been prejudiced by such failure.

(2) A notice under this section shall give the name and address of the plaintiff and shall state in ordinary language the nature of the act, omission or circumstances giving rise to the cause of action and the date and place at which such act, omission or circumstances occurred, provided however that any defect or inaccuracy in the terms of such notice shall not invalidate the same if the Court which hears the action is satisfied that the defendant has not been prejudiced by such defect or inaccuracy.

(3) A notice under this section may be given to an individual person—

- (a) by serving it on him personally ; or
- (b) by leaving it for him at his residence or office with a person resident or employed thereat ; or
- (c) by sending it to him by registered letter or certified mail addressed to him at his residence or office.

(4) A notice under this section may be given to a body corporate—

- (a) by serving it on a member or officer of the body or on a person employed in its office ; or
- (b) by sending it by registered letter or certified mail addressed to the body corporate at its office.

(5) Where a person or body corporate has two or more offices in the State, any one of those offices shall be deemed to be the office of the person or body for purposes of this section.

(6) This section shall bind the Crown.

4. This Act shall apply to actions commenced after the passing of this Act whether the cause of action arose before or after such passing. ^{Operation of Act}

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.